

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES,

Plaintiff,

v.

MARCUS Q. WALDEN,

Defendant.

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CASE NO: 7:21-CR-036 (WLS)

ORDER

Before the Court is the Defendant's Amended Sentencing Memorandum (Doc. 56) ("Motion"). The prayer for relief paragraph of the Motion includes a requests that the Court continue the Defendant's sentencing hearing scheduled for September 21, 2023. Because the Motion was filed the afternoon of September 20, 2023, the Court determined to hear the Motion prior to the scheduled sentencing hearing to provide the Government with an opportunity to respond to the Motion.

Defendant is a Career Offender with a substantial criminal history. Per the Motion and Defense Counsel's statements at the hearing, Defendant has a history of drug abuse beginning at age 12, Defendant was diagnosed with AD/HD as a child and was briefly admitted to Greenleaf Behavioral Health Program in Valdosta, Georgia. However, Defense Counsel states Defendant has not been formally diagnosed as a drug addict, and, the affect, if any that any such addiction has had on decisions Defendant has made regarding his criminal activity is unknown. Defense Counsel contends that without such evaluation, the Court does not have the information necessary to comply with 18 U.S.C. § 3553(a)(2)(D), relating to the factors for the Court to consider in imposing a sentence. Further, Defense Counsel states he has made exhaustive inquiry and has been unable to locate a psychologist or psychiatrist within a 200 mile radius of Ocilla, Georgia, who is willing to travel to the facility in which Defendant is incarcerated to perform an evaluation. Therefore, Defendant requested a continuance of his sentencing hearing to obtain an evaluation.

Having reviewed the Motion and record and considered the arguments and discussions of counsel, the Court finds that the Motion is well-taken.

Accordingly, Defendant's Motion (Doc. 56) is **GRANTED** as follows:

1. Defendant's sentencing hearing is continued to a date to be set by separate order of the Court.
2. Defendant is allowed no less than thirty (30) days to obtain an evaluation from a physician or other qualified person as to whether he is addicted to drugs and what affect, such addiction, if any, has had on the decisions Defendant has made regarding his criminal activity. The United States Officer stated he will confer with Defense Counsel and offer any appropriate assistance in locating a qualified evaluator.
3. Defense Counsel shall confer with Government's Counsel to keep them apprised of the status and results of any evaluation.
4. On or before Monday, October 23, 2023, Defendant shall file a report with the Court regarding the status of the evaluation at which time the Court will reschedule the sentencing hearing.

SO ORDERED, this 22nd day of September 2023.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT**